



RMKC Newsletter

January 2007



January Meeting program needs RMKC members

Come one, come all to the January meeting & help us update our club display boards. Our club has added many members, experienced many new accomplishments, & conducted many events since our current boards were put together. There are also some pictures on our current boards that have sentimental meaning for some of our members & they might like them back.

Members are invited to bring along as many snapshots as they are willing to share. We're not looking for "show photos". What we need most is informal shots of dogs doing all of the things they do: showing, agility, herding, tracking, "therapy-ing", search & rescue - as well as candid - being a couch potato, being goofy, hanging with kids or other dogs or people. The more shots we have to choose from, the better our displays will be. If you cannot be at the January meeting, but have some pictures you can share, please contact Diana or another member & we will find a way to get them to the meeting. Please put your name (& the dog's name, if you want) on the back of each photo so we can return any that we don't use to their rightful owners.

We will also need "supplies" - lots of scissors, & double-sided tape or those picture adhesive "squares"; we will also need some scrapbooking papers to use behind pictures, so any that you can share would be appreciated.



**There will be a Board Meeting on
January 8th at 6:00.**

**Also, the program will follow the
General Membership meeting**

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Letter from the Editor:

Well, here I go again, blatantly using my little space here to brag. On December 20th, just in time for Christmas, Berry produced Fernbriar's very first home-bred litter - 4 fat, healthy Cardigan puppies who hopefully will develop into great show dogs & outstanding companions. Mac & I look forward to getting them out & about once they are old enough so they can experience the world.

My friend Marla often kids me & asks if I ever thought this is where I would be - showing dogs, breeding my first litter, involved with the kennel club - my answer to her is always the same "Man I hoped so!" As the farm girl who was nuts about dogs, I would have never dared to imagine that it was possible; but I'm sure glad it was. Here's hoping that 2007 brings everyone health, happiness, & the realization of dream or two.

Diana Mann

Email me at: murphyman88@yahoo.com

The Minnesota Case: Holt v. City of Sauk Rapids, 1997

Law called: "...an invalid exercise of police power violating the plaintiffs' Constitutional right to due process."
By Norma Bennett Woolf

Introduction

In June 1996 two dog owners in Sauk Rapids, Minnesota, were granted a summary judgment against the city for two dog limit laws the judge called "an invalid exercise of police power violating the plaintiffs' Constitutional right to due process."

"The court finds that ownership of dogs and other pets is a property right which is protected by the Constitution," said District Court Judge Thomas P. Knapp when he granted the judgment on June 5.

One of the laws limited owners to two dogs, with an exemption for puppies under six months of age. The second law allowed owners to keep up to four dogs if they obtained a permit and to keep more than four dogs if they got permission from their neighbors. There was no grandfather clause; if owners could not get approval from all neighbors within 100 feet of their property line, additional dogs would have to be placed elsewhere or surrendered to authorities. Penalty for failure to get neighbors' permission was 90 days in jail and \$700 fine.

The request for judgment came from Mary P. Holt, who rescues and fosters Newfoundlands, and Cynthia Eveslage, a dog trainer and breeder. Holt has 12 dogs and no permit; Eveslage has three adult dogs and a permit to keep up to four dogs. Neither woman contacted neighbors to get permission to keep more than four dogs.

The women challenged the ordinance on these grounds: The ordinances were not rationally based on evidence that indicated a two-dog limit was warranted by conditions in Sauk Rapids. They argued that there is no such evidence and that the number was arbitrarily chosen. The provision requiring a permit to own up to four dogs lacked criteria or standards for issuance. The absence of a grandfather clause and the requirement to get neighbors' permission to keep more than four previously owned dogs allowed for the taking of property without just compensation. The ordinances amount to *ex post facto* laws; i.e., they criminalize an act that was innocent when it was committed.

The city countered with a request for its own summary judgment based on two factors: that women had not exhausted all legal remedies because they had not asked their neighbors for permission to have more than four dogs and because there was no proof that the Constitution protects dog ownership.

The decision

Holt and Eveslage compiled reports of complaints involving dogs in the city and demonstrated that the complaints were not related to numbers. They also offered depositions of six officials who testified that there was no evidence that supported the limits before they were passed.

The judge found for the plaintiffs on the Constitutional grounds that the city had abused its power to create laws that promote the general health, safety, and welfare of the citizens and violated the guarantee of due process before property is taken. He said that the city failed to provide relevant evidence that the laws were needed.

The judge then denied the city's request for summary judgment against the women. The plaintiffs are not required to comply with unconstitutional laws and thus were not obliged to obtain the unanimous approval of neighbors before keeping their dogs. Furthermore, the judge found that the Constitution does protect pet ownership. He declared the laws unconstitutional and enjoined the city from enforcement. However, he did not award damages or attorneys fees.

Marshall Tanick was the attorney for the women in the Sauk Rapids case. Tanick is national attorney for the American Dog Owners' Association. The Minnesota Coalition of Dog Clubs supported the case.

Article submitted by Marie Christenson.

Congratulations to the following members, & their dogs, who received awards at the December meeting - many earned multiple titles in 2006:

Denise Wedel - Bond, Lil, & Henri
Caroline Baihly - Cricket and Ella
Diane Whipple - Lucy
Limperts - Believe & Ariel
Ann & Andre Lapeyre- Zack
Lynn Grovdahl - Sari and Charlotte
Ruth Upchurch - Ellie
Diana & Mackenzie Mann - Berry & Handsome
Chris and Steph Meyer - Davor, Jay, Quincy, Ruby, & Edie
Amy Gau - Parker, Holly, Toby, Reggie, & Robin

Monte & Katie Bruesewitz - Gracie
Nancy Klenke - 6 dogs
Renee McGovern - Ripley
Nicole Wiebusch - Tucker
Marie Christianson - Woodie
Patti Wiebe - Jasmine
Pat Campbell - Polly and Zeke



Thank you to Denise Wedel for ordering & coordinating the member awards again this year.

MEMBER BRAGS

Pat Campbell - **Ropaws Sweet Tresemee' W K-Lee (Schipperke)**

Granite City KC - St Cloud, MN - Dec 9 - Winners Bitch for 4 Point Major

Granite City KC - St Cloud, MN - Dec 10 - major RWB

Ropaws Shall Tell No Tale (Schipperke)

Granite City KC - St Cloud, MN - Dec 9 - Winners Dog/BOW for 3 Point Major

Granite City KC - St Cloud, MN - Dec 10 - WD/BOW for 3 Point Major - BOB/Group 3

This was the first weekend out for these 2 youngsters - Congratulations!!

Linda & John Limpert - **CH Schmidhausen Ariel CDX "Ariel" (Standard Schnauzer)**

New Rally Novice Title!!

Mackenzie Mann - **CH Cardiridge Cassanova RN NJP "Handsome" (Cardigan Welsh Corgi)**

Granite City KC - St Cloud, MN - Dec 9 - 2nd place Open Intermediate Junior

Granite City KC - St Cloud, MN - Dec 10 - 3rd place Open Intermediate Junior

There were several more brags at the December meeting, but members did not write them down or send them to Diana, so hopefully we will get them into the February newsletter.

Good Luck to all of our members in 2007!

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Rochester Minnesota Kennel Club 2006-2007

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Monthly Meeting Information: December meeting will be the annual Holiday Party

Date: 2nd Monday **Time:** 7:00 pm **Location:** Good Shepherd Lutheran Church ~ 559 20th St SW
Directions from downtown Rochester: South on Broadway to 20th St SW (Kwik Trip) - turn right (W) - go approx 5 blocks to top of hill - Church is on the right, set back from the street